

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

CATHERINE TAYLOR,

Plaintiff,

vs.

**MURPHY OIL USA, INC. a/k/a
MUPRHY USA, INC. d/b/a
MURPHY EXPRESS,**

Defendant.

CIVIL ACTION FILE NO.

NOTICE OF REMOVAL

COMES NOW Murphy Oil USA, Inc., hereinafter “Defendant,” and submits this Notice of Removal of this action from the Superior Court of Lowndes County, Georgia, to the United States District Court for the Middle District of Georgia, Valdosta Division, respectfully showing as follows:

1.

Defendant is the named defendant in a civil action brought in the Superior Court of Lowndes County, Georgia, styled *Catherine Taylor vs. Murphy Oil USA, Inc. a/k/a Murphy USA, Inc., d/b/a Murphy Express*, Civil Action File no. 2020CV1562. Attached hereto are:

- Exhibit “A”: the Complaint filed by Plaintiff in the Superior Court of Lowndes County;

- Exhibit “B”: the Summons for Murphy Oil USA, Inc. issued by the Clerk of the Superior Court of Lowndes County;
- Exhibit “C”: the Sheriff’s Entry of Service filed in the Superior Court of Lowndes County;

Exhibits “A” through “C” comprise all process, pleadings, and orders served on or currently in the possession of Defendant.

2.

This action was commenced by the filing of Plaintiff’s Complaint on November 2, 2020. (*See* Complaint (Ex. “A”).

3.

This Court has jurisdiction over this action under 28 U.S.C. § 1332 because there is complete diversity of citizenship between the Plaintiff and the Defendant, and the amount in controversy exceeds the jurisdictional requirement of \$75,000.00, excluding interest and costs. Furthermore, Defendant consents to the removal of this action from the Superior Court of Lowndes County to the United States District Court for the Middle District of Georgia.

4.

Amount in Controversy. Plaintiff has pled that:

- “As a result of the incident, Plaintiff has suffered serious bodily injury.” (*See* Complaint (Ex. “A”), ¶ 11).

- “As a result of the injuries and negligence of Defendant, Plaintiff has suffered past, present and will in the future suffer pain therefrom.” (*See* Complaint (Ex. “A”), ¶ 12).
- “Plaintiff’s injuries are permanent and continuing in nature.” (*See* Complaint (Ex. “A”), ¶ 14).

Plaintiff has further pled and prayed:

- “That Plaintiff recover a judgment against the Defendant in the amount of \$155,000 for medical bills, and pain and suffering.” (*See* Complaint (Ex. “A”)).
- “That Plaintiff be entitled to reasonable attorney’s fees.” (*See* Complaint (Ex. “A”)).

Thus, it is clear by the face of Plaintiff’s Complaint that the amount in controversy requirement is satisfied.

5.

Timeliness. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely. It is filed within 30 days after receipt by Defendant, through service or otherwise, of a copy of the initial pleading from which it may first be ascertained that the case is one which is or has become removable, pursuant to 28 U.S.C. § 1446.

6.

Diversity of Citizenship. To the best of Defendant’s knowledge and

understanding, Plaintiff was at the time of the commencement of this action and still is a citizen and resident of the State of Georgia.

7.

Defendant Murphy Oil USA, Inc. was at the time of the commencement of this action and still is a citizen of Delaware and/or Arkansas: Murphy Oil USA, Inc. is a corporation organized under the laws of the state of Delaware with a principal place of business in Arkansas. (*See* Complaint (Ex. “A”), ¶ 1). (*See also* Defendant’s Annual Registration with the Georgia Secretary of State (attached herewith as Ex. “D”).

8.

The Defendant is diverse from Plaintiff and complete diversity exists. The matter in controversy exceeds the value of \$75,000.00, exclusive of interest and costs. Thus, this action is removable to this Court pursuant to 28 U.S.C. §§ 1332, 1446(b).

WHEREFORE, Defendant prays that this Notice Removal be filed, this action be removed to and proceed in this Court, and no further proceedings be had in the Superior Court of Lowndes County, Georgia.

Respectfully submitted this 23rd day of December, 2020.

HAWKINS PARNELL & YOUNG^{LLP}

/s/ Elliott C. Ream

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CERTIFICATE OF SERVICE

I have served Plaintiff's counsel in this case with the foregoing *Notice of Removal* via the Court's electronic filing system (CM/ECF) which will electronically send a copy to counsel as follows:

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petermanlawoffice@yahoo.com
dhanson.petermanlaw@gmail.com

This 23rd day of December 2020.

[Signature on following page]

HAWKINS PARNELL & YOUNG^{LLP}

/s/ Elliott C. Ream

Elliott C. Ream
Georgia Bar No. 528281
Counsel for Murphy Oil USA, Inc.

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